

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

WENDELL BURNETT,

Petitioner,

vs.

Civil Action 2:05-CV-597
Judge Frost
Magistrate Judge King

JEFFREY WOLFE, Warden,

Respondent.

ORDER

On July 28, 2005, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition be transferred to the Court of Appeals for the Sixth Circuit pursuant to §2244(b)(3)(A), and that petitioner's request to transfer this case to the United States Court of Appeals for the Sixth Circuit, Doc. No. 5, be granted. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The instant petitioner is hereby **TRANSFERRED** to the Court of Appeals for the Sixth Circuit pursuant to §2244(b)(3)(A), and petitioner's request to transfer this case to the United States Court of Appeals for the Sixth Circuit is **GRANTED**.

/s/ Gregory L. Frost
Gregory L. Frost
United States District Judge